

August 5, 2002

The Board of Commissioners of Franklin County, North Carolina, met in Regular Session at 7:30 P.M. in the Commissioner's Meeting Room located in the County Administration Building with the following Commissioners present: Chairman John R. Ball, Vice-Chairman Robert L. Swanson, Commissioner Harry L. Foy, Jr., Commissioner Edward G. Strickland, and Commissioner George T. Wynne.

1. Consent Agenda

Upon motion by Chairman Ball, seconded by Commissioner Wynne with all present voting "AYE" duly carried the following Consent Agenda Items approved:

- A. Approval of minutes of meeting held on July 1 2002.
- B. Acceptance of Tax Collector's Report July 1 – July 15, 2002.
- C. Approval of Releases & Refunds July 1 – 15, 2002.
- D. Project Ordinance – Golden Leaf Foundation.
\$1,975,000 Flextronics Training Initiative Grant, no County match.
- E. Budget Amendment #1.
Receipt of additional revenue designated for specific purposes:
Aging United Way \$6000 in Aging Program; Goat Grant, \$7,888 carry over from last fiscal year; Emergency Food & Shelter funds \$1,336 and \$1,302; and Safe Kids Grant \$7,400.
- F. Amend Board Rules to shift Public Comment to the end of the Agenda prior to Board Committee Reports and Comments.

In reference to Item D of the Consent Agenda, Commissioner Foy asked if Flextronics has committed to staying in Franklin County. Chairman Ball responded yes, their staying in North Carolina is a requirement in getting the grant. Commissioner Foy asked if there was a guarantee of this. Chairman Ball responded that this grant is based on the number of employees hired that meet the grant criteria. Ronnie Goswick, Director of Franklin County Economic Development, stated that Flextronics anticipates 1,900 jobs over the next three to five years. The grant award is available to the Committee of 100 and will be administered through the County Finance Office.

In reference to Item F of the Consent Agenda, Commissioner Foy asked why the Public Comment section has been put to the end of the Agenda. Chairman Ball responded if this item of the Consent Agenda was not approved during the meeting, then the Public Comment section would be placed on the Agenda after the Public Hearings. Commissioner Foy stated that people have asked to be able to speak at the beginning and the end of the meeting. Commissioner Strickland asked Commissioner Foy for examples of Agenda items, other than Public Hearings, that the public has asked to speak on in the past. Commissioner Foy stated that people do not want to wait hours to make a comment. Commissioner Strickland stated that the items that the public usually wants to speak on are available during the Public Hearings which are already part of the meeting Agenda.

2. Public Hearing – Community Development Block Grant – Economic Development

Proper notice having been given this is the time and place set for a public hearing to obtain input on potential Economic Development projects.

Chairman Ball declared the public hearing opened.

Chairman Ball called for comments and hearing none declared the public hearing closed. No action is required at this time.

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3. Public Hearings - Rezoning Requests

Proper notice having been given this is the time and place set for a public hearing to receive comments on a rezoning request by **Woodlief Grading, Inc.** to change the zoning classification of approximately 13 acres off Tarboro Road (SR 1100) in Youngsville Township from R-40 to Light Industry. The Planning Board recommends denial.

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston stated that the Planning Board's Findings of Fact included that the request is not in compliance with the County's Future Land Use Plan, there is a potential problem of spot zoning, and Light Industrial zoning is not compatible with the surrounding residential community.

Mr. Livingston stated that Woodlief Grading, Inc. has operated as a construction and debris site for over a year without permits, even after receiving letters from the Planning Board to stop the non-permitted uses. He stated that this acreage is located in a Water Shed II designated area which has further restrictions on water runoff. Under the County's UDO there are over fifty different uses in the Light Industrial zoning designation. In his opinion, this rezoning would constitute spot zoning. Commissioner Foy asked Mr. Livingston for the vote from the Planning Board. Mr. Livingston stated the vote was five to three. Commissioner Foy asked Mr. Livingston what was spot zoning. Mr. Livingston responded that spot zoning occurs when a relatively small tract of land is zoned differently from the surrounding area. Spot zoning singles-out property from restrictions and grants additional privileges to one specific area. County Attorney Darnell Batton stated that the size of tract is a factor in spot zoning. Spot zoning allows a tract of land to be relieved from restrictions to which the adjoining area is subjected and must be clearly supported by a reasonable basis to be valid.

Chairman Ball asked if there were any further comments from the Board and none were heard.

Chairman Ball called for public comments and the following individuals spoke:

Bob Hornick, Jr., 1829 East Franklin Street, Chapel Hill, NC (Attorney)

Mr. Hornick spoke on behalf of property owners along Tarboro Road (State Road 1100). In reference to a letter dated July 29, 2002 to the Board of Commissioners of Franklin County, as an attorney, he agrees with the Planning Board's decision to deny the Woodlief rezoning request. He was present at a September, 1999 Board of Commissioner's meeting when Mr. Woodlief requested the rezoning and was denied due to three major points. This is classic spot zoning which allows property to be used different from other property owners; Light Industrial zoning has 79 uses, and in order for the Board to approve this rezoning, by law, Mr. Woodlief's business would have the right to all 79 uses; and Mr. Woodlief has been illegally doing contract business for three years.

Anne Marie Della Morte, 80 Fiddlers Drive, Youngsville, NC

Ms. Della Morte stated that in 1989 Franklin County established zoning. There was a group of citizens led by Mr. Woodlief who were in favor of zoning. These citizens need to follow the zoning rules. A petition signed by 75 people against the rezoning request was presented to the Board.

James Atkinson, 136 Beaver Dam Drive, Youngsville, NC

Mr. Atkinson stated that his wife drives along Tarboro Road (State Road 1100) every day and he does not want to see increased truck traffic.

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Terri Rogers, 2273 Tarboro Road, Youngsville, NC

Mr. Rogers stated that he was not against Mr. Woodlief and his business; this was just not a suitable site. He requested that the Board deny the rezoning request. He stated that according to the North Carolina Environmental Department, Mr. Woodlief was conducting a nonconforming business and was supposed to close it and remove environmentally hazardous material. He stated that this is an illegal operation and there are other suitable sites. He stated that Mr. Woodlief claimed that it would cost him \$150,000 a year in dumping fees if he had to use the County's landfill and this would be a burden to Franklin County to recycle the products he took to the landfill but this is not a reason to rezone.

Jimmy Murphy, 2472 Tarboro Road, Youngsville, NC

Mr. Murphy stated that his family's farm is located beside Mr. Woodlief's property. They are subjected to dust, fires, noise, etc. This business is not consistent with what one would expect to find in the neighborhood and it devalues surrounding property. He stated that there is rapid growth in that area and that the County encouraged residential growth. The number of people in attendance at the meeting will be adversely affected; they are all taxpayers and voters. Mr. Murphy commented you are either part of the problem or you are the solution.

Gregg Adelman, 333 North Raleigh Farms Road, Youngsville, NC

Mr. Adelman stated that approving this rezoning would adversely affect the entire County. If approved, someone else will request spot zoning again. He also asked when the three-minute time limit was imposed on public hearings.

Joe Tabor, 527 Sid Eaves Road, Youngsville, NC

Mr. Tabor stated that in 1964 he purchased 38-1/2 acres east north east of Tarboro Road (State Road 1100). He wanted a homestead so he built a house, raised his family. There is a creek on his property and two wells that are located directly below Mr. Woodlief's property. He is concerned that when the hauling starts from Mr. Woodlief's business, he will end up with a little of everything on Woodlief's property. He stated that he does not want water run off on his property. He plans to build a lake in the future. He is against a person coming in to do business in a residential area.

Clifford Gilliam, 2072 Tarboro Road, Youngsville, NC

Mr. Gilliam stated that he lives next door to Mr. Woodlief and he does not have a problem. He feels Mr. Woodlief is trying to make a living and if the business could operate the way Mr. Woodlief wants it to then the State guidelines could be met. He stated that the business is located 1,500 feet from the highway and he would rather see dump trucks along the road than logging trucks. It is his opinion that Mr. Woodlief knows that if he did not run his business the way he is suppose to then he would be out of business.

David Timberlake, 8125 Zebulon Road, Youngsville, NC

Mr. Timberlake's land joins Mr. Woodlief's property. He stated he has had no problems with the noise and he feels that people on the other side of the County should not care as to what goes on on this property. He stated he has seen no hazardous material, only stumps to be recycled. He stated that there are more densely populated areas around that have dumpsites within them.

Mary Jane Jennings, 566 Jones Chapel Road, Louisburg, NC

Ms. Jennings stated that the Planning Board has asked Mr. Woodlief to speak to the Solid Waste Task Force regarding alternate locations

for his business. He never contacted them. She stated there are reasons for regulations and the Board of Commissioners passed these regulations and approval of Mr. Woodlief's rezoning request would undermine all the citizens on regulations in

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Franklin County. She stated that there are other available sites for this type of business within the county.

W.N. Timberlake, 2238 Tarboro Road, Youngsville, NC

Mr. Timberlake lives next door to Mr. Woodlief and has no problems. There is no noise problem. He drives a 18-wheeler for a living so has no problem with

dump trucks on the road. He has lived at this location for 77 years. He stated that Mr. Woodlief needs a chance to make a living.

Patricia Hart, P.O. Box 1, Youngsville, NC

Ms. Hart stated that a number of years ago Ronnie Goswick and she discussed zoning and were against it. They thought zoning would turn neighbor against neighbor. She stated that twenty years have gone by and they have watched it happen.

Kenneth Lye, 8349 Jackson Road, Wake Forest, NC

Mr. Lye stated he is an employee of Woodlief Grading and has not seen anything going on for anyone to complain about. They only recycle wood products and nothing stays on the property more than thirty days. The wood products are ground up and shipped off. He stated that the County government does not have a system for taking care of this type of debris. He stated that other company's dump trucks take illegal debris to dump sites. He stated that if the County suffered another hurricane, where are they going to dispose of all the trees.

Marvin Gentry, 1849 Tarboro Road, Youngsville, NC

Mr. Gentry stated that what Mr. Woodlief is doing is needed. The traffic is not a problem. The employees of Woodlief Grading pick up any debris that may fall off a truck. He feels everyone should have a right to make a living.

Joseph Alley, 1654 Sid Mitchell Road, Youngsville, NC

Mr. Alley stated that Mr. Woodlief has to have this rezoning in order to obtain a license to operate his business. If the property is rezoned then the County will be stuck with this business. He feels this is something that needs to be voted on by the voters.

Charles Woodlief, 2194 Tarboro Road, Youngsville, NC (Applicant)

Mr. Woodlief stated that he owns 54 acres and his grading business. He stated that he told the previous landowner before he purchased

the land that he was going to operate a business there. He had told neighbors he could either put in this business, a subdivision, or a trailer park on this property. He stated he does not have to lie to people to get what he wants. He stated he feels that if people would have told him up front how they felt he would have built a subdivision.

F.C. Winston, Wake Forest

Mr. Winston stated that he owns property in Youngsville. He asked if everyone remembered back in 1996 the debris that came from Hurricane Fran that was piled up at Gresham Lake in Raleigh. He stated that Mr. Woodlief wants to perform a service the County needs. He stated that the County would be a mess if they did not have somewhere to dispose of debris.

Marcus Hurt, Youngsville, NC

Mr. Hurt spoke on behalf of developers and general contractors in Franklin County. He stated that a site like Mr. Woodlief's keeps cost down to potential homeowners when contractors have to dispose of debris from a new home building site.

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Evelyn Allen, 115 West Franklin Street, Youngsville, NC

Ms. Allen asked the Board if they have ever been to Mr. Woodlief's business site. Ms. Allen stated that the Commissioners would understand more about what Mr. Woodlief is doing if they went and looked at the site. She stated it was her opinion that the people who have signed the petitions do not necessarily know what is going on.

Charles Woodlief, 2194 Tarboro Road, Youngsville, NC (Applicant)

Mr. Woodlief stated his business is 4/10ths of a mile off Tarboro Road. He stated yes, he runs an illegal business but was lied to by the people who he bought the land from. He stated that he has talked with the State and they approve of recycling. He stated that he knows the property is zoned R-40 but was backstabbed. He stated he could have chosen to put a road through the property and made money. He stated he saw a chance to expand. He stated that Tarboro Road is a thoroughfare that allows heavy traffic and heavy truck traffic. He said there were no dust problems. He operates the grinding from 8:30 a.m. until 4:30 p.m. and the trucks run from 8:00 a.m. until 5:30 p.m. He stated that the Planning Board told him six months ago to relocate.

Commissioner Swanson asked Mr. Woodlief how many employees he has. Mr. Woodlief replied that he has thirteen employees at present and expanding the business would allow him to have six more positions.

Commissioner Foy asked Mr. Woodlief if he was interested in the other 79 other uses. Mr. Woodlief responded that he was only in the grading business to grind up stumps.

Commissioner Strickland asked Mr. Woodlief if he was currently selling boiler fuel and Mr. Woodlief responded yes. Commissioner Strickland also asked Mr. Woodlief if he was selling mulch and Mr. Woodlief answered no. Commissioner Strickland asked Mr. Woodlief if he was driving to Creedmoor to dispose of debris and if he had checked with the landfill to dispose there. Mr. Woodlief replied the landfill was too expensive. Commissioner Strickland asked Mr. Woodlief how many trucks he operated and Mr. Woodlief said three, which haul twenty loads a day.

Chairman Ball called for a five-minute recess after which time he called the meeting back to order. Commissioner Ball stated that since Mr. Woodlief was allowed to speak on two different occasions then it was only fair that those opposing to the rezoning request have another opportunity to speak. He then called for further comments.

Anne Marie Della Morte, 80 Fiddlers Drive, Youngsville, NC

Ms. Della Morte at this time referred to her attorney, Mr. Bob Hornick. Mr. Hornick stated that this issue was not about Mr. Woodlief not being entitled to make a living, but about the site not being the place to do so. He stated that there were other locations in Franklin County that offered this type of service, Mr. Stallings at Scott Bark Plant, and Al Perry at C&D on Highway #1. He stated that there is not a total void in this county for a location for this type of business. He emphasized that this site is not the place for such a business. There is a zoning ordinance and a land use plan. If the Board gives this rezoning the rubber stamp then they are saying it is okay to break the law and if you do it long enough, the Board will give in. He stated that Mr. Woodlief is breaking the law and can not continue to get away with it.

Chairman Ball declared the public hearing closed.

Commissioner Strickland read a portion of the letter dated December 13, 2001 addressed to Mr. Woodlief from the North Carolina Department of Environment. He stated that it does concern him that on November 29, 2001, Mr. Woodlief was observed burning several dump truck loads of waste material that included paper,

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metal and wood waste. Mr. Woodlief stated that this burning was done on his farm, not the business portion of his property. Commissioner Foy stated that Mr. Woodlief had the right to do this. Commissioner Foy then asked if there was a legal definition of spot zoning. County Attorney Darnell Batton stated that the court treats spot zoning on a case by case basis and each stands on its own merit. He also stated that the Board has to establish a reasonable basis to make their decision. Commissioner Foy asked Matt Livingston if there is a conditional use with Mr. Woodlief's site not using all 79 areas of uses. Mr. Livingston stated there are no conditional uses in Franklin County. Commission Swanson asked Mr. Livingston what are the 79 uses. Mr.

Livingston read them. Commissioner Foy asked Mr. Woodlief if Tarboro Road is a Heavy Vehicle road. Commissioner Foy stated that the letter from the State suggested zoning is prerequisite. Mr. Woodlief stated that he is closely watched by the State in his business.

Chairman Ball called for further comments and hearing none declared the public hearing closed.

Upon motion by Commissioner Foy to approve the rezoning request, seconded by Commissioner Swanson with Commissioner Foy and Commissioner Swanson voting "AYE", Chairman Ball, Commissioner Strickland, and Commissioner Wynne voting "NO" duly carried the denial of the request for rezoning ordinance.

Proper notice having been given this is the time and place set for a public hearing to receive comments on a rezoning request by **Milltrene B. Newell**, 4 acres on East River Road (SR 1600) in Louisburg Township from Agricultural Residential to Residential 15. Planning Board recommended approval.

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston presented the Findings of Fact: The petitioner intends to use the property for a group care facility. The R-15 zoning designation is not significantly different from AR in terms of permitted uses. The key difference between the two districts is density - Agricultural-Residential is low density and R-15 Residential is medium density. Twenty-two uses are allowed.

Chairman Ball asked if any questions from the Board. Commissioner Strickland asked if there was already a private road. Mr. Livingston replied yes.

Chairman Ball called for further comments and hearing none declared the public hearing closed.

Upon motion by Commissioner Foy, seconded by Commissioner Strickland with all present voting "AYE", duly carried the approval of the request for rezoning ordinance. (Signed ordinance on file in the County Clerk's office.)

Proper notice having been given this is the time and place set for a public hearing to receive comments on a rezoning request by **The Doyle Company, Inc**, 9.03 acres on Tant Road (SR 1737) in Dunn Township from Agricultural Residential to Highway Business. Planning Board recommended approval.

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston presented the Findings of Fact: The property is in close proximity to US 64, with is a four-lane high volume thoroughfare. Adjoining property is zoned Highway Business. The Planning Board felt Highway Business zoning is appropriate, and had recommended

that this property be zoned Highway Business in an earlier rezoning request. The future Land Use plan designates US 64 as a light industrial corridor, however, retail or commercial development is equally suitable. Mr. Livingston also reported that Special Conditions were discussed with Economic Development Director Ronnie Goswick and he and the Planning Board found none were required.

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Chairman Ball called for public comments and the following individuals spoke:

Jeff Perry, Perry Plumbing Inc.

Mr. Perry described the proposed business as a 6,000 square foot engineered building to be used for warehouse and office space for a residential and commercial plumbing business. Their existing customers are located in the Raleigh area and this location is convenient to Raleigh.

Bob Doyle, 418 South Smithfield Road, Knightdale, NC (Applicant)

Mr. Doyle stated that he owned a farm on Pineridge Road in Franklin County and is trying to make the area look better.

Chairman Ball called for further comments and hearing none declared the public hearing closed.

Upon motion by Commissioner Foy, seconded by Commissioner Swanson with all present voting "AYE", duly carried the approval of the request for rezoning ordinance. (Signed ordinance on file in the County Clerk's office.)

Proper notice having been given this is the time and place set for a public hearing to receive comments on a rezoning request by **Evelyne S. Horton**, 13 acres on NC 39 in Dunn Township from Residential 40 to Highway Business. Planning Board recommended approval.

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston presented the Findings of Fact: The property is in close proximity to US 64, which is a four-lane high volume thoroughfare. Adjoining property is zoned Highway Business. The future Land Use Plan designates US 64 as a light industrial corridor, however, retail or commercial development is equally suitable. The residual 12 acres on the rear of the property will remain zoned R-40. The proposed business will be a type of mini mart for food, gas and quick stop.

Chairman Ball called for further comments and hearing none declared the public hearing closed.

Upon motion by Commissioner Swanson, seconded by Commissioner Foy with all present voting "AYE", duly carried the approval of the request for rezoning ordinance. (Signed ordinance on file in the County Clerk's office.)

4. Public Hearing – Special Use Permit

Proper notice having been given this is the time and place set for a public hearing to receive comments on a Special Use Permit request by **Milltrene B. Newell**, 4 acres on East River Road (SR 1600) in Louisburg Township for a Group Care Home. Planning Board recommended approval.

Chairman Ball declared the public hearing open and recognized Planning Director, Matt Livingston. Mr. Livingston presented the Findings of Fact: That all applicable conditions pertaining to the proposed use have been or will be satisfied, and that roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety, convenience, traffic flow and control and access in case of fire or other emergency; and that off street parking, loading, refuse and other service areas are located in a safe, convenient, area allowing for access in case of emergency, while minimizing economic, glare, odor and other impacts on adjoining properties; and that schools, fire police and other necessary public and private facilities are adequate to handle proposed use; and the location is such that the use on site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining areas while minimizing adverse impact; and that the type, size, and intensity of the proposed use, including hours of operation, number of people, will not have an adverse impact on adjoining properties or the surrounding neighborhood.

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The special use conditions listed in the Unified Development Ordinance, Chapter Two, Article 9 Special Uses, (E), can be met. Mr. Livingston stated that this Group Care Home will house nine individuals. The gravel parking lot meets DOT standards.

Mr. Livingston presented the Special Use Permit Petition Application Statements:

- Have all applicable specific conditions pertaining to the proposed use been satisfied? Yes.
- Are all access roads and entrance(s) designed and provided to ensure automotive and pedestrian safety? Is emergency access adequate? Yes.
- Are the parking, loading, and other service areas located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties in the general neighborhood? Yes.
- Are utilities, schools, fire, police and other necessary public and private facilities and services adequate to handle the proposed use? Yes.
- Is the location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonious with adjoining properties and the general area and minimize adverse impact? Yes.
- Will the type, size, and intensity of the proposed use, including such considerations as hours of operation and number of people who are likely to utilize or be attracted to the use, have significant adverse impact on

adjoining properties or the neighborhood? Yes.

Chairman Ball asked if there were any comments.

Commissioner Strickland asked if the building was going to be ranch style. Mr. Livingston stated yes. Commissioner Swanson stated that it still has to meet State regulations. There is a swimming pool on the property and the question as to whether or not a fence around it is required by law was discussed. Commissioner Foy asked Ms. Newell if she wanted to install a fence and she said no, but she will if she it is required. Commissioner Wynne asked if the Board had to request that a fence be installed in order to approve the Special Use Permit. County Attorney Darnell Batton responded that the Board has the right to impose the condition of a fence, but it is not a recommended Special Condition. The Board may adopt the same conditions in the Findings of Fact as the Planning Board recommends. The matter of the gravel drive is included in the Findings and Fact and the requirements of a fence is a State issue.

Chairman Ball called for further comments and hearing none declared the public hearing closed.

Upon motion by Commissioner Foy, seconded by Commissioner Wynne with all present voting "AYE", duly carried the approval of the request for rezoning ordinance with the same Findings of Fact as found and approved by the Franklin County Planning Board. (Signed ordinance on file in the County Clerk's office.)

5. Social Services – Work First Designation

Nicki Griffin, Social Service Director was present to request that Franklin County be designated a "Standard County" for the Work First Program. In addition, it was requested of the Board to appoint all members as well as a Commissioner representative to the Planning Committee.

Ms. Griffin described the Standard verses Electing status of the Work First County Block Grant Plan. County Manager Richard Self commented that if the County chose the Electing County method rather than the Standard County method the County would be taking a financial risk.

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The Work First Planning Committee Members are as follows:

- Mattie Kemp, Executive Director, Franklin County Chamber of Commerce
- Bobbie Jo May, Coordinator, Franklin County Chapter of Vance-Granville Community College
- Laureen Jones, Tech Prep Coordinator for Franklin County Schools
- Vickie Hicks, Child Support Supervisor
- Michael Leonard, Member, Franklin County Economic Development Commission

- Marvis Henderson-Daye, Representative, Employment Security Commission
- Jan Britton, Representative, Vocational Rehabilitation
- Walter McDonald, Representative, Faith Community
- T. Allen Gardner, Jr., Member, Area Mental Health Board and local Attorney
- Harvey Hartsfield, Member, Franklin County Board of Health and local Minister
- Robert L. Swanson, Franklin County Commissioner
- Natasha Hammond, Recipient of Services
- Ernestine Clifton, Recipient of Services
- Stacy Robinson, Representative, North Carolina Cooperative Extension
- Ralph Brown, Member, Franklin County Social Service Board

Upon motion by Commissioner Foy, seconded by Commissioner Swanson with all present voting “AYE”, duly carried the approval of the Standard County designation for the Work First Program and the appointed committee members.

6. Subdivision Land Dedication for Recreation

Dave Munden, Recreation Director and Matt Livingston, Planning Director were present to discuss the benefits of the County accepting a land dedication of 19.32 acres along the Little River in River’s Edge subdivision for recreational purposes. This is in keeping with the County policies. This will be part of the Countywide Greenway system, which will eventually connect with several other counties.

Mr. Livingston reported that the Planning Board recommended approval of the River’s Edge preliminary plat for the purpose of public recreation/open space. This property is located off of N.C. 96 in Youngsville Township in the WS II watershed district (copy of site map on file in the County Clerk’s office). The Findings of Fact are: The 19.32 acres runs along the Little River. The 19.32 acres will be used as open space, and will be part of a Greenway dedicated area. Mr. Munden feels this is a good area for a Greenway that can be connected into a longer system of Greenways in other counties, and is in accordance with the county’s recreation master plan. The green space would act as a filter for stormwater run off.

Mr. Munden reported that the total land area the developer was required to dedicate was only four or five acres and the amount given as a gift to the County was four times the amount required. He also stated that the development in the Greenway could be passive recreation, no active recreation, trails, or left the way it is. This donation on the Little River, Neuse River Basin, is an opportunity to protect wet lands and the preservation of money.

Commissioner Foy asked where the money would come from to develop the Greenway. Mr. Livingston responded that the development was not going to cost a lot that having the land is a leverage to get grants. Commissioner Foy said that he would rather see the money go towards schools not parks.

Commissioner Strickland commented that if the Homeowner's Association of the subdivision wanted to spend money to develop the Greenway then the Board would help with development also.

Commissioner Foy asked if once this property is designated as Greenway is it taken off the tax book. County Manager Self responded yes.

Commissioner Foy recognized Mr. Dennis Cyrus, the developer who donated the land.

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Upon motion by Commissioner Swanson, seconded by Commissioner Strickland with all present voting "AYE", duly carried the approval to accept the dedication of 19.32 acres in River's Edge subdivision.

7. Appointments – KARTS

Human Services Representative on the KARTS board needed to be appointed. Nicki Griffin, DSS Director has agreed to serve.

Upon motion by Commissioner Swanson, seconded by Commissioner Foy with all present voting "AYE", duly carried the appointment of Ms. Nicki Griffin as the Human Services Representative for a two-year term ending June, 2004.

8. Public Comments

The following individuals made public comments:

Mack Mahoney, 115 Nuthatch Court, Louisburg, NC

Mr. Mahoney stated he is opposed to restrictions on residential development in Franklin County.

Nita Mahoney, 115 Nuthatch Court, Louisburg, NC

Ms. Mahoney, a member of the Franklin County Home Builder's Association stated she is opposed to restrictions on residential development in Franklin County.

Gilbert E. Silva, 78 Walter Grissom Road, Kittrell, NC

Mr. Silva asked the Board if a public hearing was set to obtain input on changing the Public Comment Section on the agenda. He stated that at the July 1, 2002 Board of Commissioner's meeting that County Attorney Batten stated that the vote on this change would have to take place at the August 5, 2002 meeting, but the agenda for the August 5th meeting, prepared by County Manager Richard Self, shows the Public Comment Section at the end of the agenda. Mr. Silva stated, in his opinion, this means that the County Manager can make changes without votes from the Board. He stated this violates *Robert's Rules of Order* and that County Manager Self does not have the authority to do this.

Anne Marie Della Morte, 80 Fiddlers Drive, Youngsville, NC

Ms. Della Morte thanked the three members of the Board who voted against the rezoning request by Charles Woodlief. She stated that this vote was within the law and showed that it had nothing to do with friendship.

Rose Holmes, 1587 Beasley Road, Louisburg, NC

Ms. Holmes inquired when will the public be able to come before the Board in regards to the proposed subdivision ordinance. Chairman Ball responded that the Adequate Facilities Task Force will present the issue to the Planning Board and if the planning board wants, they will present it to the Board of Commissioners for discussion.

Gregg Adelman, 333 North Raleigh Farms Road, Youngsville, NC

Mr. Adelman asked the Board to consider moving the Public Comment Section of the agenda back to the beginning. He pointed out that the television people who had been there at the beginning of this meeting had already left.

9. Board Committee Reports and Comments

Commissioner Strickland reported that he spoke with Ms. Diane Cox of K.A.R.T.S., and the rates for riding the vans are going up.

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Chairman Ball mentioned an article in the August 4th edition of the News and Observer on the Mental Health Program in Franklin County. He stated the County has to provide services to mentally ill children.

Commissioner Wynne, Commissioner Swanson, and Commissioner Foy reported that they did not attend any committee meeting.

10. Manager's Report

County Manager Self requested the Board approve a Resolution approving commitment to the implementation of mitigation measures.

The County is required to proceed to the final approval steps to receive permission from the state (DENR) to proceed with the wastewater plant expansion and upgrade.

Upon motion by Chairman Ball, seconded by Commissioner Swanson with all present voting "AYE" duly carried the approval of the following resolution:
(Signed)

RESOLUTION APPROVING COMMITMENT TO THE IMPLEMENTATION OF MITIGATION MEASURES

WHEREAS, The County Commissioners of Franklin County have submitted this Resolution as part of the Environmental Assessment and Finding of No Signification Impact for the Franklin County WWTP Upgrade & Construction of Brandy Creek Outfall Line project to indicate the level of commitment to the regulatory and resources agencies of the Department of Environment and Natural Resources; and

WHEREAS, The County Commissioners of Franklin County understand the need for effective planning and management of growth within the County in order to protect and sustain valuable natural resources;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF FRANKLIN THAT

(1) An active collaboration between County leadership and the DENR is important in order for the County to reduce, minimize and mitigate unintentional impacts associated with large public projects of this nature; and

(2) The mitigative measures associated with the wastewater collection system expansion into the drainage basins of Franklin County and the associated wastewater treatment plant upgrade/expansion will be applied to the extent possible to all new development projects submitted for review by County review officials;

(3) Wastewater service will not be extended to projects within the County without first verifying that the measures contained in the NC Wildlife Resources Commission Guidance (included as a part of the July 2002 Finding of No Significant Impact and Permit issued by the Division of Water Quality for the Franklin County WWTP Upgrade & Construction of the Brandy Creek Outfall Line project) are complied with to the extent possible; and that the County review officials are satisfied that these measures have been satisfactorily addressed;

(4) All records dealing with implementation of new projects connecting to the above mentioned project will be available for review during normal office hours;

(5) The County will, through the comprehensive review of existing ordinances and codes and during the development of a Master Plan for the County, develop additional or modify existing codes and ordinances to be consistent with the mitigative measures contained in the Finding of No Significant Impact for the Franklin County WWTP Upgrade & Construction of Brandy Creek Outfall Line project currently submitted for review;

MINUTES OF MEETING OF AUGUST 5, 2002---cont.

(6) All appropriate codes or ordinances will remain in effect to guarantee any renewal, modification or extension of the permit directly associated with

this project issued by the Division of Water Quality or its successor; and
(7) None of these aforementioned conditions shall be construed to circumvent, violate, or be in conflict with any existing State or local Board of Health regulations designed to protect the health, safety, and welfare of the citizens of Franklin County.

Adopted this the 5th day of August, 2002, Franklin County, North Carolina.

Mr. Self reported on the Franklin County Health and Physical Fitness Council. He stated that the Council has met monthly since January; assisted Louisburg College with their annual Fun Run; Held a Health and Physical Fitness fair for Franklin County on April 27th - 125 participants, 20 vendors and 5 groups demonstrated fitness; Assisted the EMS with their Boost America Day; Held the 2nd Bicycle Rodeo.

He announced an informational item - Three (3) dead birds were found in Mecklenburg County that were confirmed as having the West Nile Virus.

Mr. Self informed the Board that last month when the Town of Bunn experienced a water line break, they contacted the County to assist in repairs. They have sent a thank you letter to the County commending the Utility Department.

He reported on the status of various Disaster Recovery and Housing Projects:

- Rehabilitation of four houses in Franklinton is complete. The final house is 90% complete and should be finished this week.
- Monitoring visit from the Department of Community Assistance went well.
- Hurricane Floyd Crisis Housing Assistance Program - work is complete on all ten. Thirteen of the eighteen replacement houses are complete. All work should be finished by September 30th.
- 2001 CDBG Scattered Site Housing start up meeting was held.
- 2002 CDBG Concentrated Needs public hearing was held on September 3rd. Door to door survey being conducted.

Mr. Self stated that there is a request for a Joint Board Meeting with the Planning Board and Economic Development Board.

He stated that the Emergency Communications bids have been opened and are being evaluated. He hopes to bring the recommendation to the Board at the next meeting.

He reported on the 20-year Water and Sewer Study - he will have a final recommendation to the Board at the next meeting. He is waiting on two more references.

Mr. Self reminded the Board of the Recessed Closed Session meeting Monday, August 12, 2002 at 7:30 p.m. The purpose of this meeting is to discuss personnel issues.

There being no further business to come before the Board, the Board recessed until 7:30 p.m. on August 12, 2002, recorded at 10:17 P.M.

JOHN R. BALL, CHAIRMAN

RICHARD B. SELF, CLERK